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July 16, 2014

VIA ELECTRONIC MAIL & FEDERAL EXPRESS

Mr. Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

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RECEIVED
FEDERAL ELECTION
COMMISSION

Re: **MUR 6830 - Response on Behalf of Respondent Burlington County
Republican Committee and Its Treasurer Charles Lambiase**

Dear Mr. Jordan:

This office represents the Burlington County Republican Committee and Its Treasurer Charles Lambiase (collectively "the Respondent") in the above-referenced MUR. A Notice of Representation for the Respondent has previously been filed with the Federal Election Commission ("the Commission").

We have reviewed the complaint dated May 8, 2014, received by the Commission on May 22, 2014, by an individual named Randy Pace of Medford, New Jersey that is based upon an Affidavit by a Nicholas Hladick of Belle Meade, New Jersey. As detailed herein, this complaint alleges incorrect facts and legal theories that fail to amount to any violation of the Federal Election Campaign Act ("the Act"), as amended, or any regulations promulgated thereunder.

Accordingly, the Commission should summarily dismiss this complaint as it has no jurisdiction over the Respondent Burlington County Republican Committee and Its Treasurer, which is exclusively a state political party committee that participates in no reportable federal election activity.

FACTS

The Complainant is correct that the Respondent is a local political party committee that does not have a federal account. The Complainant's assumptions, however, about the Respondent's association with MacArthur for Congress, Inc. are incorrect.

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First, the Respondent only raises and expends non-federal funds, and therefore, is not registered as a federal political committee subject to the Commission's jurisdiction. Second, the Respondent has not made any in-kind contributions to MacArthur for Congress, Inc. or any other federal candidate or committee. Finally, the Respondent has not and does not intend to conduct any independent expenditure activity in relation to any federal elections. To the contrary, the Respondent was paid by MacArthur for Congress, Inc. for use of extra available space within its building and other incidental expenses, such as utilities, associated therewith that were already being incurred by the Respondent.

Specifically, in April 2014, the Respondent agreed to lease extra space in its building to MacArthur for Congress, Inc., including allocable utilities and other incidental expenses for the primary election cycle.¹ The Respondent has been a tenant of the same privately-owned building for decades and is responsible for all utilities and maintenance of the building. Shortly after the primary election, the Respondent requested payment from MacArthur for Congress, Inc. for rent and all associated expenses, which were paid on June 20, 2014. See Exhibit A.

Further, specialized telephones utilized by MacArthur for Congress, Inc. were provided by a vendor unassociated with the Respondent and paid for entirely by MacArthur for Congress, Inc.. MacArthur for Congress, Inc. also set up its own computers for individual use by its own employees and volunteers within the leased premises.

ANALYSIS

The Complainant premises his allegations on incorrect facts and assumptions based upon second hand knowledge provided by a third party who alleges not to have undertaken any volunteer activities on behalf of MacArthur for Congress, Inc. upon visiting the Respondent's headquarters building on a single occasion. Accordingly, principally only a factual analysis is required in response.

First, the Complainant alleges that Respondent violated 11 C.F.R. § 109.32 claiming that the Respondent made improper coordinated expenditures on behalf of MacArthur for Congress, Inc.. The Complainant, however, does not document any such expenditures by way of Commission reports, New Jersey Election Law Enforcement Commission ("ELEC") reports, or other materials or broadcasts indicating any such expenditures ever took place. Nor could he as there were none. It is well settled law that political party committees are permitted to endorse candidates in primary elections. See generally Eu v. San Francisco Cty. Democratic Cent. Comm., 489 U.S. 214 (1989). Such endorsements alone, however, do not constitute coordinated expenditures.

Second, the Complainant alleges that Respondent made non-exempt expenditures in support of MacArthur for Congress, Inc. through the "use of office space and telephone bank facilities. . . ." This allegation is patently false. MacArthur for Congress, Inc. leased available

¹ The Respondent intends to do the same for the general election cycle.

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space from the Respondent, paid its own employees who worked within the leased premises, and acquired its own phones and computers for use by its own employees and volunteers.

Third, while the question is raised, there is no allegation that the Respondent made any independent expenditures. The Respondent did not make any independent expenditures on behalf of MacArthur for Congress, Inc., nor does the Respondent intend to do so in the future.

Finally, the Complainant alleges that Respondent made improper or excessive in-kind contributions to MacArthur for Congress, Inc. on the basis that it used "the Burlington GOP's offices and equipment . . ." during the primary election cycle. As provided above, there is no factual basis for this allegation as MacArthur for Congress, Inc. paid rent and associated expenses to the Respondent, hired and paid its own employees, and acquired its own phones and computers for use by its own employees and volunteers.

Accordingly, no in-kind contributions were made by the Respondent, and therefore, none are required to be reported. Likewise, the Respondent is not required to register and report to the Commission as a federal political committee as it does not participate in any federal election activity even though it could conceivably do so on a limited basis if it so chose. Further, 11 C.F.R. § 106.1(c)(1) specifically exempts expenditures, whether made in-kind or otherwise, relating to certain overhead costs allocable between federal and non-federal candidates, unless made on behalf of a clearly identified federal candidate and the expense could be directly attributed to them. None of these conditions even exist in the instant matter.

CONCLUSION

For the foregoing reasons, the Commission should find that there is no reason to believe that the Respondent has violated the Act, or regulations thereunder, and this matter should be summarily dismissed.

Please do not hesitate to contact me should you have any questions regarding this response or should you require any additional information regarding the same.

Respectfully submitted,

ARCHER & GREINER
A Professional Corporation

By: 

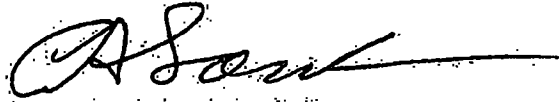
Brian M. Nelson, Esq.

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VERIFICATION

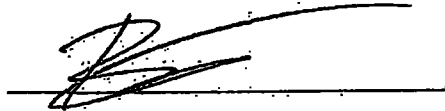
The Burlington County Republican Committee and its Treasurer Charles Lambiase hereby verify that the statements made hereabove in response to MUR 6830 are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001:



Charles Lambiase, Treasurer
Burlington County Republican Committee

Sworn to and subscribed before me this 16th day of July 2014.



BRIAN M. NELSON, ESQ.
ATTORNEY AT LAW
STATE OF NEW JERSEY